

**SETTLEMENT AGREEMENT BETWEEN THE MISSOURI
STATE BOARD OF REGISTRATION FOR THE HEALING ARTS
AND JANICE G. BUTLER, SLP**

Come now Janice G. Butler, SLP, (hereinafter the "Licensee") and the State Board of Registration for the Healing Arts (hereinafter the "Board") and enter into this agreement for the purpose of resolving the question of whether Janice G. Butler's license as a speech-language pathologist will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to § 621.045, RSMo.

1. Licensee acknowledges that she understands the various rights and privileges afforded by law, including the right to a hearing of the charges against her; the right to appear and be represented by legal counsel; the right to have all charges against her proven upon the record by competent and substantial evidence; the right to cross-examine any witnesses appearing at the hearing against her; the right to present evidence on her own behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against the Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided to the Licensee by operation of law, the Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this agreement and agrees to abide by the terms of this document as they pertain to her.

2. The Licensee acknowledges that she may, at the time this agreement is effective or within fifteen days thereafter, submit this agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of the Licensee's license.
3. The Licensee acknowledges that she has been informed of her right to consult legal counsel in this matter.
4. The parties stipulate and agree that the disciplinary order agreed to by the Board and the Licensee in Part III herein is based only on the agreement set out in Parts I and II herein. The Licensee understands that the Board may take further disciplinary action against her based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.
5. The Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this agreement as an open record of the Board as required by Chapters 334, 610, 620 and 621, RSMo, as amended.

I. JOINT STIPULATIONS OF FACT

Based upon the foregoing, the Board and the Licensee herein jointly stipulate to the following:

6. The State Board of Registration for the Healing Arts (hereinafter the "Board") is an agency of the State of Missouri created and established pursuant to §334.120, for the purposes of executing and enforcing the provisions of chapter 334 and 345.

7. Respondent was originally issued license number 01695 on June 6, 1988. License 01695 expired on January 31, 2003.
8. Respondent applied to renew her license as a speech language pathologist on or about January 28, 2010.
9. Respondent has been practicing as a speech language pathologist continuously since January 31, 2003.
10. Practicing speech language pathology without a license constitutes cause to discipline Licensee's license pursuant to §§345.020.2, 345.020.3 345.065.2(6), (7), (12), and (20) RSMo.

II. JOINT CONCLUSIONS OF LAW

11. Cause exists to discipline Licensee's license pursuant to §§345.020.2, 345.020.3 345.065.2(6), (7), (12), and (20) RSMo which state:

345.020.2 No person shall practice or hold himself or herself out as being able to practice speech-language pathology or audiology in this state unless the person is licensed in accordance with the provisions of sections 345.010 to 345.080.

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345.020.3 No person shall hold himself or herself out as being a speech-language pathologist in this state unless the person is licensed as provided in sections 345.010 to 345.080. Any person who, in any manner, represents himself or herself as a speech-language pathologist or who uses in connection with such person's name "speech-language pathologist", "speech pathologist", "speech therapy", "speech therapist", "speech clinic", "speech clinician", "S.L.P.", "language specialist", "logopedist", or any other letters, words, abbreviations or insignia, indicating or implying that the person is a speech language

pathologist without a valid existing license is guilty of a class B misdemeanor.

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345.065.2(6) Violation of, or assisting or enabling any person to violate, and provision of sections 345.010 to 345.080, or any lawful rule or regulation adopted pursuant to sections 345.010 to 345.080;

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345.065.2(7) Impersonation of any person holding a certificate of registration or authority, permit or license or allowing any person to use his or her certificate of register or authority, permit, license or diploma from any school;

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345.065.2 (12) Failure to display a valid certificate or license if so required by sections 345.010 to 345.080 or any rule promulgated pursuant to sections 345.010 to 345.080;

....

345.065.2 (20) Committing any act of dishonorable, immoral or unprofessional conduct while engaging in the practice of speech language pathology or audiology;

12. The Licensee's conduct, as established by the foregoing facts, falls within the intendments of §345.065.2 RSMo.
13. Cause exists for the Board to take disciplinary action against the Licensee's license under §345.065.2 RSMo.

III. JOINT AGREEMENT ON DISCIPLINE

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the Board in this matter under the authority of §621.110 RSMo 2000. This agreement, including the disciplinary order, will be effective immediately on the date entered and finalized by the Board. The following are the terms of the disciplinary order:

14. License number 01695, issued by the Board to the Licensee, is hereby issued with CENSURE.
15. If the Licensee is licensed in other jurisdictions, then she shall notify, in writing, the licensing authorities of those jurisdictions, within fifteen (15) days of the effective date of this settlement agreement, of the Licensee's disciplinary status in Missouri. The Licensee shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority.
16. The Licensee shall comply with all provisions of Chapters 345; all the regulations of the Board.
17. This agreement does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 345, RSMo, by the Licensee not specifically mentioned in this document.
18. The Licensee hereby waives and releases the Board, its members, and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees,

costs and expenses, and compensation, including, but not limited to any claims for attorneys fees and expenses, including any claims pursuant to §536.087, RSMo, or any claim arising under 42 USC 1983, which may be based upon, arise out of, or relate to any of the matters raised in this agreement, or from the negotiation or execution of this agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this agreement in that it survives in perpetuity even in the event that any court of law deems this agreement or any portion thereof void or unenforceable.

19. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

LICENSEE

BOARD

Janice G. Butler 7-21-10
Janice G. Butler, SLP Date

Tina Steinman 7/26/10
Tina Steinman Date
Executive Director

Carl Kraft 7-21-10
Attorney for Licensee Date
Missouri Bar No. 28265

Sarah Schappe 7/26/10
Sarah Schappe Date
General Counsel, MO Bar No. 52011

EFFECTIVE THIS 26 DAY OF July, 2010.